

## UNITED STATES MAGISTRATE JUDGES

### 73.01: *Authority of United States Magistrate Judges.*

- (A) *Full-Time and Part-Time Magistrate Judges.* In addition to the powers and duties prescribed by 28 U.S.C. § 636, each United States Magistrate Judge is authorized to perform the following duties:
  - (1) Conduct extradition proceedings in accordance with 18 U.S.C. § 3184;
  - (2) Try persons accused of and sentence persons convicted of misdemeanors committed within this District in accordance with 18 U.S.C. § 3401.
- (B) *Full-Time Magistrate Judges* are authorized to conduct any or all proceedings in any civil case which is filed in this Court in accordance with 28 U.S.C. § 636(c), upon consent of the parties and order of the District Judge to whom the case was assigned, pursuant to Local Civil Rule 73.02(B)(1).

### 73.02: *Assignment of Duties to Magistrate Judges.*

- (A) *Criminal Cases.*
  - (1) *Misdemeanor Cases.* All misdemeanor cases shall be assigned by the Clerk of Court to the full-time or part-time Magistrate Judge designated for the division in which the case is brought.
  - (2) *Felony Cases.* All felony cases shall be assigned by the Clerk of Court to the full-time or part-time Magistrate Judge designated for the division in which the case is brought for the conduct of an arraignment and for such pretrial proceedings as are directed by the District Judge.
- (B) *Civil Cases.*
  - (1) *Consensual References.* Where the parties consent to trial and disposition of a case by a full-time Magistrate Judge pursuant to 28 U.S.C. § 636(c), such case shall, upon the order of the District Judge to whom it was assigned, be reassigned to the full-time Magistrate Judge designated for the division in which the case is brought.
  - (2) *Automatic References.* The Clerk of Court shall assign the following matters to a full-time Magistrate Judge upon filing:

- (a) All motions for remand, dismissal, or judgment on the pleadings in actions filed under 42 U.S.C. § 405(g) for review of an administrative determination regarding entitlement to benefits under the Social Security Act and related statutes;
- (b) All motions for leave to proceed *in forma pauperis*;
- (c) All pretrial proceedings in applications for post-conviction review under the provisions of 28 U.S.C. § 2241 *et seq.*, 28 U.S.C. § 2254 *et seq.*, and mandamus relief as well as for relief sought by persons challenging any form of custody under other federal jurisdictional statutes. This Local Civil Rule does *not* apply to actions arising under 28 U.S.C. § 2255.
- (d) All pretrial proceedings in prisoner petitions for relief under 42 U.S.C. § 1983;
- (e) All pretrial proceedings involving litigation by individuals proceeding *pro se*;
- (f) All pretrial proceedings in prisoner petitions which do not challenge prison conditions, conditions of confinement, or any other form of custody;
- (g) All pretrial proceedings involving litigation arising out of employment discrimination cases invoking federal statutes which proscribe unfair discrimination in employment, including, but not limited to, 42 U.S.C. §§ 1981-1986; 42 U.S.C. § 2000e-2; 42 U.S.C. § 2000e-16(a); 29 U.S.C. § 206(d); 29 U.S.C. §§ 621-634; or 29 U.S.C. § 794.

(C) *Method of Case Assignment.*

- (1) *Civil Cases.* For the convenience of administration, unless otherwise specified herein or by specific order of the Chief Judge of the District, references of civil cases shall be assigned by division as follows:
  - (a) The Magistrate Judge(s) in Columbia shall be assigned cases filed in the Columbia, Orangeburg, Aiken, and Rock Hill Divisions.
  - (b) The Magistrate Judge(s) in Charleston shall be assigned cases filed in the Charleston and Beaufort Divisions.

- (c) The Magistrate Judge(s) in Greenville shall be assigned cases filed in the Greenville, Spartanburg, Anderson, and Greenwood Divisions.
  - (d) The Magistrate Judge(s) in Florence shall be assigned cases filed in the Florence Division.
  - (e) If there is more than one Magistrate Judge assigned to a given courthouse, the cases covered by (a) - (d) above shall be assigned to those Magistrate Judges on a rotational basis.
  - (f) All cases challenging conditions of confinement filed by a federal prisoner incarcerated in this judicial district shall be assigned to all Magistrate Judges on a rotational basis.
- (2) *Social Security Cases.* Social Security cases shall be assigned to the full-time Magistrate Judges on a rotational basis without regard to division of filing.
  - (3) *Post-Conviction Review and Prisoner Cases.* Petitions for habeas corpus relief, mandamus relief and civil rights cases described in Local Civil Rule 73.02(B)(2)(c) and (d) shall be assigned to full-time Magistrate Judges on a rotational basis without regard to division of filing.
  - (4) *Other Prisoner Cases.* Complaints filed by prisoners not challenging conditions of confinement shall be assigned on a divisional basis to a full-time Magistrate Judge.
  - (5) *Employment Discrimination Cases.* Employment discrimination cases shall be assigned in the division where they are filed. Cases filed in the Columbia, Rock Hill, Orangeburg, and Aiken Divisions will be divided on a rotational basis between the full-time Columbia Magistrate Judges.
  - (6) *Pro Se Litigants with Prior Cases.* New cases filed by *pro se* litigants with prior cases shall, if possible, be assigned to the Magistrate Judge and District Judge to whom the prior case was assigned unless the prior case was consolidated due to common issues of law or fact.
  - (7) Nothing in this subsection shall limit the district-wide jurisdiction of a Magistrate Judge, prohibit a District Judge from assigning a specific matter to a specific Magistrate Judge, or prohibit the reassignment of a specific

matter between Magistrate Judges on the concurrence of the Magistrate Judges and District Judge involved.

- (D) *General.* Nothing in these Local Civil Rules shall preclude the Court or a District Judge from reserving any proceeding for conduct by a District Judge, rather than a Magistrate Judge. The Court, moreover, may by order modify the method of assigning proceedings to a Magistrate Judge as changing conditions may warrant.

73.03: *Special Provisions for Consent for Reference of Civil Cases under 28 U.S.C. § 636(c).*

- (A) *Notice.* Unless otherwise directed by the Court, the Clerk of Court shall notify the parties in all civil cases that they may consent to have a Magistrate Judge conduct any and all proceedings in the case and order the entry of a final judgment. Notice may be provided by attachment of an appropriate form document to the scheduling order or pre-scheduling order. In categories of cases in which scheduling orders are not generally issued (*i.e.*, cases exempt under Fed. R. Civ. P. 26(a)(1)(E)) and which are not exempted by the Court from this requirement, the Clerk of Court will forward the notice to all parties after a defendant appears.
- (B) *Execution of Consent.* The parties may consent by submitting a proposed consent to reference signed by all parties.
- (C) *Approval.* After the consent forms have been signed and filed, the Clerk of Court shall transmit a proposed order of reference to the District Judge to whom the case has been assigned for approval in his or her discretion.